

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
ELKINS**

WILLIAM EUGENE WEBB,

Plaintiff,

v.

**CIVIL ACTION NO. 2:09-CV-107
(BAILEY)**

**KUMA J. DEBOO, Warden,
Federal Correctional Institution at Gilmer,**

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION

On this day, the above-styled matter came before the Court for consideration of the Report and Recommendation of United States Magistrate Judge James E. Seibert [Doc. 90]. By Standing Order, entered on March 24, 2000, this action was referred to Magistrate Judge Joel for submission of a proposed report and recommendation ("R&R"). Magistrate Judge Seibert filed his R&R on January 6, 2012. In that filing, the magistrate judge recommends that this Court grant defendant Kuma J. Deboo's Supplemental Motion to Dismiss, or, in the Alternative, Motion for Summary Judgment [Doc. 54] and Motion to File Unredacted Documents under Seal [Doc. 70]; dismiss plaintiff William Eugene Webb's Complaint [Doc. 1]; and deny as moot Webb's Motion to Order Service [Doc. 65] and Motion to Compel Postage [Doc. 80].

Pursuant to 28 U.S.C. § 636(b)(1)(c), this Court is required to make a *de novo* review of those portions of the magistrate judge's findings to which objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the

factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. **Thomas v. Arn**, 474 U.S. 140, 150 (1985). In addition, failure to file timely objections constitutes a waiver of *de novo* review and the petitioner's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); **Snyder v. Ridenour**, 889 F.2d 1363, 1366 (4th Cir. 1989); **United States v. Schronce**, 727 F.2d 91, 94 (4th Cir. 1984). Here, objections to Magistrate Judge Seibert's R&R were due by March 27, 2012. To date, no objections have been filed. Accordingly, this Court will review the R&R for clear error.

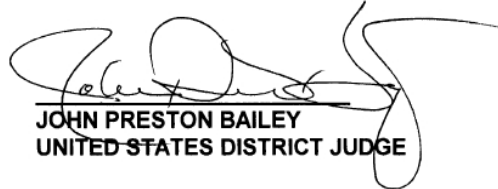
Upon careful review of the record, it is the opinion of this Court that the magistrate judge's Report and Recommendation **[Doc. 90]** should be, and is, hereby **ORDERED ADOPTED** for the reasons more fully stated therein. Accordingly, Deboo's Motion to Dismiss, or, in the Alternative, Motion for Summary Judgment **[Doc. 54]** is hereby **GRANTED** and consequently Webb's Complaint **[Doc. 1]** is hereby **DISMISSED WITH PREJUDICE**. In addition, Deboo's Motion to File Unredacted Documents under Seal **[Doc. 70]** is hereby **GRANTED** and Webb's Motion to Order Service **[Doc. 65]** and Motion to Compel Postage **[Doc. 80]** are hereby **DENIED AS MOOT**. This Court **DIRECTS** the Clerk to enter judgment in favor of Deboo and strike this case from the active docket of this Court.

As a final matter, upon an independent review of the record, this Court hereby **DENIES** a certificate of appealability, finding that Webb has failed to make "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2).

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to all counsel of record and to mail a copy to the *pro se* plaintiff.

DATED: March 29, 2012.



JOHN PRESTON BAILEY
UNITED STATES DISTRICT JUDGE